



City of Tacoma, WA

**REAL PROPERTY SERVICES**

**REQUEST FOR PROPOSAL**

**DISPOSITION OF PROPERTY FOR DEVELOPMENT OF  
AFFORDABLE HOUSING**

**SPECIFICATION NO. PW21-0578F**



**City of Tacoma  
Public Works/Real Property Services**

**REQUEST FOR PROPOSALS PW21-0578F  
Disposition of Property for Development of Affordable Housing**

**Submittal Deadline: 11:00 a.m., Pacific Time, Tuesday, August 3, 2021**

Submittals must be received by the City’s Procurement and Payables Division prior to 11:00 a.m. Pacific Time.

For electronic submittals, the City of Tacoma will designate the time of receipt recorded by our email, [bids@cityoftacoma.org](mailto:bids@cityoftacoma.org), as the official time of receipt. This clock will be used as the official time of receipt of all parts of electronic bid submittals.

**Submittal Delivery:** Sealed submittals will be received as follows:

<p><b>By Email:</b></p> <p><a href="mailto:bids@cityoftacoma.org">bids@cityoftacoma.org</a> Maximum file size: 35 MB. Multiple emails may be sent for each submittal.</p>
<p><b>By Carrier:</b></p> <p>A flash drive of your full submittal must accompany.</p> <p>City of Tacoma Procurement &amp; Payables Division Tacoma Public Utilities 3628 S 35<sup>th</sup> Street Tacoma, WA 98409</p>
<p><b>In Person:</b></p> <p>A flash drive of your full submittal must accompany.</p> <p>City of Tacoma Procurement &amp; Payables Division Tacoma Public Utilities Administration Building North Guard House (east side of main building) 3628 S 35<sup>th</sup> Street Tacoma, WA 98409</p>
<p><b>By Mail:</b></p> <p>A flash drive of your full submittal must accompany.</p> <p>City of Tacoma Procurement &amp; Payables Division Tacoma Public Utilities PO Box 11007 Tacoma, WA 98411-0007</p>

**Bid Opening:** Held virtually each Tuesday at 11AM. Attend [via this link](#) or call 1 (253) 215 8782.

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Submittals in response to a RFP will be recorded as received. As soon as possible, after 1:00 PM, on the day of submittal deadline, preliminary results will be posted to [www.TacomaPurchasing.org](http://www.TacomaPurchasing.org).

**Solicitation Documents:** An electronic copy of the complete solicitation documents may be viewed and obtained by accessing the City of Tacoma Purchasing website at [www.TacomaPurchasing.org](http://www.TacomaPurchasing.org).

- [Register for the Bid Holders List](#) to receive notices of addenda, questions and answers and related updates.
- Click here to see a [list of vendors registered for this solicitation](#).

**Pre-Proposal Meeting:** A pre-proposal meeting will not be held.

**Project Scope:** The City of Tacoma (“City”) is soliciting proposals (“Proposal(s)”) from persons or entities (“Proposer(s)”) interested in the disposition and development with affordable housing of six properties

**Paid Sick Leave:** The City of Tacoma requires all employers to provide paid sick leave as set forth in Title 18 of the Tacoma Municipal Code. For more information, visit [our Minimum Employment Standards Paid Sick Leave webpage](#).

**Americans with Disabilities Act (ADA Information):** The City of Tacoma, in accordance with Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA), commits to nondiscrimination on the basis of disability, in all of its programs and activities. Specification materials can be made available in an alternate format by emailing Gail Himes at [ghimes@cityoftacoma.org](mailto:ghimes@cityoftacoma.org), or by calling her collect at 253-591-5785.

**Federal Title VI Information:**

“The City of Tacoma” in accordance with provisions of Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. sections 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin in consideration of award.

**Additional Information:** Requests for information regarding the specifications may be obtained by contacting Tad Carlson, Senior Buyer by email to [tcarlson@cityoftacoma.org](mailto:tcarlson@cityoftacoma.org)

**Protest Policy:** City of Tacoma [protest policy](#), located at [www.tacomapurchasing.org](http://www.tacomapurchasing.org), specifies procedures for protests submitted prior to and after submittal deadline.



Meeting sites are accessible to persons with disabilities. Reasonable accommodations for persons with disabilities can be arranged with 48 hours advance notice by calling 253-502-8468.


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## SUBMITTAL CHECK LIST

This checklist identifies items to be included with your submittal. Any submittal received without these required items may be deemed non-responsive and not be considered for award.

Submittals must be received by the City of Tacoma Purchasing Division by the date and time specified in the Request for Proposal page.

<b>The following items make up your submittal package:</b>	
One copy of your complete submittal package and associated deposits.	
Signature Page	
Responses to Section 3: Content of Proposal	
<b>After award, the following documents will be executed:</b>	
Transfer and Development Agreement	

## 1. BACKGROUND

The City of Tacoma (“City”) is soliciting proposals (“Proposal(s)”) from persons or entities (“Proposer(s)”) interested in the disposition and development with affordable housing of six properties as generally described in “Property Information” below, legally described in the herein attached Appendix A (“Property(s)”) and located in **Tacoma, WA**.

To learn more about the City of Tacoma, visit [www.cityoftacoma.org](http://www.cityoftacoma.org).

This is not a typical bid solicitation awarding the property to the highest bidder. Instead, this solicitation will take into account the Proposer’s ability to meet the City’s affordable housing goals, as detailed in the Tacoma Public Utility Surplus Policy #121 (the “Policy”) as adopted by Public Utility Board Resolution No. U-11144 (the “Resolution).

### **PROPERTY INFORMATION:**

#### **PROPERTY #1 – DOWNING SUBSTATION**

Address: 1801 N. Orchard Street.  
Pierce County Tax Parcel No. 7475022110.  
Vacant Land.  
Approximately 0.30 Acres.  
Zoning: R2 – Single Family Dwelling District.  
Market Value: Estimated at **\$300,000**.

#### **PROPERTY #2 – LINCOLN PARK SUBSTATION**

Address: 1009 S. 35th Street.  
Pierce County Tax Parcel No. 5275000720.  
Vacant Land.  
Approximately 0.19 Acres.  
Zoning: R2 – SRD – Residential Special Review District.  
Market Value: Estimated at **\$100,000**.

#### **PROPERTY #3 – WARNER SUBSTATION**

Address: 3404 South 45th Street.  
Pierce County Tax Parcel No. 2890002480.  
Vacant Land.  
Approximately 0.15 Acres.  
Zoning: URX – Urban Residential Mixed-Use District.  
Market Value: Estimated at **\$225,000**.

#### **PROPERTY #4 – 2101 NORTH HIGHLAND**

Address: 2101 N. Highland Street.

Pierce County Tax Parcel No. 7045000390.

Vacant Land.

Approximately 0.14 Acres.

Zoning: R2 – Single Family Dwelling District.

Market Value: Estimated at **\$165,000**.

Note: Portions lying within extension of abutting North 21<sup>st</sup> Street and alley will be dedicated to City for public right-of-way use.

#### **PROPERTY #5 – SOUTH 40<sup>TH</sup> & “A” STREET**

Address: South 40<sup>th</sup> Street and “A” Street.

Pierce County Tax Parcel No. 7470021810.

Vacant Land.

Approximately 1.01 Acres.

Zoning: RCX – Residential Commercial Mixed-Use.

Market Value: Estimated at **\$750,000**.

#### **PROPERTY #6 – SOUTH 45<sup>TH</sup> & UNION AVENUE**

Address: South 45<sup>th</sup> Street and Union Avenue.

Pierce County Tax Parcel Nos. 2890000730, 2890002850, and 0220134012.

Vacant Land.

Approximately 1.11 Acres.

Zoning: UCX – Urban Center Mixed-Use.

Market Value: Estimated at **\$450,000**.

Note: Easements for utility infrastructure and a well covenant will be reserved.

The six Properties are all designated as Category 1 per the Policy, which includes the baseline requirement that a minimum of twenty-five percent (25%) of proposed units be at or below fifty percent (50%) Area Median Income (AMI). Scoring will be weighted in favor of Proposals that include at least fifty percent (50%) Affordable Housing units at or below thirty percent (30%) AMI. If no Proposals meet this baseline, it shall be deemed that no Proposal meets the requirements of the RFP, which shall then terminate, and the surplus disposal process may then proceed as described in the Policy, with an intent to maximize ratepayer returns and provide consistency with TPU Board strategic directives.

Proposers must be willing to execute a covenant consistent with the Policy Section 5. Minimum Affordable Housing Requirements (“Covenant”) obligating the Proposer to use the Property(s) consistent with the Covenant for a fifty (50) year period. Where the developer or subsequent owners cease to comply with the Covenant, the City shall have reversionary rights to the Property(s).

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In order for a Proposal to be considered for award, it must conform to all the requirements of this RFP, including the Minimum Proposal Requirements provided below.

Ultimately, the transfer of the Property(s) is subject to the approval of both the Public Utility Board and City Council and shall be deemed a negotiated disposition as authorized by Tacoma Municipal Code 1.06.280.

**Proposals may be submitted for ALL Properties listed, or for one or more INDIVIDUAL Properties listed in this RFP. Please clearly state which Property(s) you are submitting for in your Proposal. In the event the City receives multiple proposals for individual properties, the City reserves the right to ask Proposers, where possible, to partner on the disposition and development.**

Proposer is Responsible for Independent Due Diligence. The information and documentation provided herein and in the Appendices is not to be relied upon by Proposers in the evaluation or creation of Proposals. The City makes no warranty as to information regarding the value, title to, or condition of the Property(s) provided herein, and Proposer acknowledges that it shall have no right to rely on such information. Further, by submitting a Proposal, Proposer acknowledges that Proposer is solely responsible for the independent verification of all property information and for performing independent due diligence of the condition, value, and title of the Property(s).

For a general map depiction of the Property(s) please see Appendix B.

**Hereinafter, the term “Property(s)” shall mean all land, improvements, buildings, structures, and fixtures, located on Pierce County Tax Parcel Nos. 7475022110, 7045000390, 5275000720, 2890002480, 7470021810, 2890000730, 2890002850, and 0220134012 .**

## **2. MINIMUM REQUIREMENTS**

**2.1** This Property(s) is classified as a Category 1 property, as defined within the Tacoma Public Utilities – Surplus Real Property Disposition Policy. The overall objectives of Category 1 property are to achieve the City’s affordable housing goals by encouraging development that meets the baseline requirements set forth in the Policy.

**2.2** In order for a Proposal to be considered responsive, the Proposal must conform to all the requirements of this RFP, including the following:

**2.2.1** **Proposal Content.** The contents of the Proposal should generally conform to the requirements of Section 3 herein.



- 2.2.2 **Consideration**. Consideration must include appraisal costs, debt service, all closing costs, and any other liabilities, if any, to the City (“Consideration”).
- 2.2.3 **Deposit**. Each Proposal must be accompanied either by a certified or cashier’s check for ten thousand dollars (\$10,000) per Property, payable to the City of Tacoma. The Deposit will be deposited in the City’s Real Property Services Escrow account and will offset the Consideration at closing for the Proposal which is selected. The City will not accept a bond or in lieu promissory note as payment for the Deposit requirement.

There are three options for submitting the deposit(s) all of which include check(s) being mailed or hand delivered to the below address:

1. If submitting an electronic proposal, include an image of the check with your electronic proposal and mail the check postmarked no later than the submittal due date, or
2. If selecting an electronic proposal, include an image of the check and hand deliver the check to address below, or
3. If submitting a hard copy proposal, check must accompany the proposal and arrive prior to 11 am on the submittal due date.

City of Tacoma Procurement and Payables Division  
Tacoma Public Utilities  
3628 S 35th St  
Tacoma, WA 98409

- 2.2.3.1 **Refund**. The Deposit will be refunded to all Proposers who are not selected for the transfer of the Property(s) and the City will make best efforts to make this refund as soon as possible after the Proposers are notified of the City’s selection. The Deposit will not be refunded to the Proposer who is selected for award, unless the City is unwilling or unable to finalize the transfer of the Property(s) to the selected Proposer due to no fault of the Proposer, in which case the Deposit will be refunded in full.

- 2.2.4 **Transactional Documents**. By submitting a Proposal, Proposer agrees to enter into and accept as appropriate the agreements and documents with and from the City of Tacoma, including but not limited to, a Development Agreement, a Quit Claim Deed, and a Covenant which shall run with the land. Following the selection of the highest ranking Proposal, the City and the selected Proposer may negotiate mutually agreeable terms to the agreements incorporated herein. Negotiation of the agreement terms with the selected Proposer shall be allowed provided said negotiation does not result in an unfair advantage to the Proposer.

2.2.5 **Transfer and Development Agreement.** By submitting its Proposal, Proposer agrees to (at the time of receiving notice of selection) execute the Transfer and Development Agreement (“Agreement”), which includes but is not limited to the following requirements:

- 2.2.5.1 **Contingent upon** Public Utility Board and City Council Approval. The disposition must be duly approved by both the Public Utility Board and Tacoma City Council prior to Closing. If Tacoma City Council approval is not obtained, the Agreement will terminate, and all documents and other funds will be returned to the Proposer, and neither party will have any further rights, obligations, or remedies under the Agreement. *Further, transfer of Property #6 pursuant to this RFP for Affordable Housing will also require that notice be made to the Puyallup Tribe of Indians for possible purchase at Fair Market Value and that they decline such offer.*
- 2.2.5.2 **Closing.** Closing shall occur no later than thirty (30) calendar days from the City Council’s Approval of the Disposition. Proposer is responsible for paying all closing costs, including all recording, lender, brokerage services and title insurance costs and fees as applicable.
- 2.2.5.3 **“As Is”.** Proposer acknowledges that the Property(s) will be transferred under the Agreement in an “as is” condition. No warranties as to the condition of the Property(s) shall be given or implied.
- 2.2.5.4 **Title Conveyance.** The City shall convey title to the Property(s) via a Quit Claim Deed. No warranties as to the Title of the Property(s) shall be given or implied. If the selected Proposer desires to obtain its own Title Commitment Report/Insurance, then the selected Proposer will need to obtain the same at its own expense.
- 2.2.5.5 **Inspections.** Proposer agrees that it will rely on its own inspections and evaluations of the Property(s), with the exception of any disclosures required by law, to determine the suitability of the Property(s) for Proposer’s intended use.

### 3. CONTENTS OF PROPOSAL.

3.1 **Proposer Description.** In its Proposal, Proposer must provide the following information:

- 3.1.1 Provide Name and Addresses of Proposer. If Proposer is a business entity, provide names of principals, officers, members, shareholders, state of incorporation, and principal business address, as applicable.
- 3.1.2 Provide relevant background information explaining Proposer’s interest in the Property(s) and interest in investing in real estate in Tacoma and in the “Property(s)” neighborhood.

3.1.3 Provide relevant background information explaining whether Proposer's interest in acquiring the Property(s) has a relationship to Proposer's existing or intended connection to the neighborhood or community, if any, and/or whether and to what extent Proposer's interest is financial or speculative in nature.

3.1.4 Explain why Proposer would like to acquire the Property(s).

**3.2 Proposal Description.** In the Proposal, Proposer will provide sufficient information to enable the City to understand and evaluate the Proposer's intended future use(s) and plans for the Property(s). Proposers are encouraged to provide specific and detailed information about their intended futures use(s) of the Property(s). Proposals with more specific and detailed information about the future intended use(s) of the Property(s) are preferred as they will provide the City with more information to evaluate the Proposals. Proposals should at least provide information regarding the nature, type and scope of the future intended use(s), the nature of any proposed construction, rehabilitation, development, or demolition anticipated, and the timing associated with putting the Property(s) to Proposer's intended uses. Proposals that include responses which address the following categories and questions are encouraged:

**3.2.1 Types/Kinds of Uses:**

3.2.1.1 What is the nature, type, and scope of specific use(s) the Proposer will use the Property(s) for and for how long?

3.2.1.2 What kinds of housing, businesses, programs, services, or other endeavor(s) does the Proposer intend to conduct at the Property(s) and if applicable what kind of market will Proposer target?

3.2.1.3 If Proposer intends to lease out the Property(s) what type of tenant will Proposer target?

**3.3 Construction/Development:**

3.3.1 What kind, nature, type, and scope of construction, rehabilitation, or development does the Proposer intend to perform at and on the Property(s)?

3.3.2 Has Proposer confirmed that the proposed construction/repair is allowed by applicable zoning and laws?

**3.4 Timing**

3.4.1 What is Proposer's expected timeframe for putting the Property(s) to Proposer's intended futures use(s) and/or constructing or developing the Property(s).

**3.5 Describe Alignment with City and Neighborhood Goals:** In its Proposal, Proposer should describe and explain how its Proposal, where applicable, aligns with the following goals of the City and the Neighborhood. Proposer need only offer information to the extent the Proposal aligns with applicable goals below.

**3.5.1 How does the Proposal align with the vision and goals of the neighborhood.**

Specifically, how does the Proposal...

3.5.1.1 Improve the quality of life and property values in the neighborhood.

3.5.1.2 Improve walkability and streetscapes.

3.5.1.3 Provide valuable services and/or jobs to residents and businesses.

**3.5.2 How does the Proposal align with the City's goal to be a safe, clean, and attractive community.**

Specifically, how does the Proposal...

3.5.2.1 Foster a safe environment for residents.

3.5.2.2 Reduce crime and blight in the community.

3.5.2.3 Improve and/or beautify the facility or site.

3.5.2.4 Encourage community engagement and participation to improve the neighborhood.

**3.5.3 How does the Proposal align with City's planning and economic development goals.**

Specifically, how does the Proposal...

3.5.3.1 Align with the zoning goals and allowed uses of the Property(s)' zoning.

3.5.3.2 Support increased housing and/or commercial activity in the neighborhood.

**3.5.4 How does the proposal align with the City's Equity goals?**

Specifically, how does the Proposal...

3.5.4.1 Provide anti-racist marketing that attracts members of Tacoma's Black, Indigenous, and People of Color ("BIPOC") communities?

3.5.4.2 Encourage the hiring of Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs) and Small Business Enterprises (SBEs) during the development project?

**4. CALENDAR OF EVENTS**

**4.1** This is a tentative schedule only and may be altered at the sole discretion of the City.

**4.2 Public Utility Board and City Council Approval.** All transfers of Surplus Real Property are subject to the approval of both the Public Utility Board and the City Council. Following selection, City staff will seek the approval of the transfer of the Property(s) to a selected Proposer at Public Utility Board and City Council meetings. Also, as the Properties are utility properties, a Public Hearing, as required by state law, will also be held.

**4.3** The anticipated schedule of events concerning this RFP is as follows:

Pre-Submittal Questions:	<b>7/16/2021</b>
Response to Questions, on or about:	<b>7/23/2021</b>
Submittal Due Date:	<b>8/3/2021</b>
Submittal Evaluated, on or about:	<b>8/6/2021</b>
Interviews/presentations (if needed), on or about:	<b>8/13/2021</b>
Award Recommendation:	<b>August 2021</b>

**5. INQUIRIES**

**5.1** Please submit question in writing to Tad Carlson, Senior Buyer, by email to [tcarlson@cityoftacoma.org](mailto:tcarlson@cityoftacoma.org). Please make subject line:

PW21-0578F - Affordable Housing Disposition – *VENDOR NAME*

**5.2** Questions marked confidential will not be answered or included.

**5.3** The City reserves the discretion to group similar questions to provide a single answer or not to respond when the requested information is confidential.

**5.4** The answers are not typically considered an addendum.

**5.5** The City will not be responsible for unsuccessful submittal of questions.

**5.6** Written answers to questions will be posted in the event approximately one week after the question deadline.

**6. PRE-PROPOSAL MEETING**

**6.1** No pre-proposal meeting will be held; however, questions and request for clarifications of the specifications may be submitted as stated in the [inquiries](#) section.

**7. DISCLAIMER**

The City is not liable for any costs incurred by the Respondent for the preparation of materials or a submittal submitted in response to this RFP, for conducting any presentations to the City, or Request for Proposal

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any other activities related to responding to this RFP, or to any subsequent requirements of the contract negotiation process.

## **8. EVALUATION CRITERIA**

A Selection Advisory Committee (SAC) will review and evaluate submittals based upon the below criteria:

Criteria	Points
Affordable Housing Scoring	40
Neighborhood Vision and Goals Alignment	15
City's Safe, Clean and Attractive Goal Alignment	15
City's Planning and Economic Development Goals Alignment	15
City's Equity Goals Alignment	15

After the evaluation, the SAC may conduct interviews of the most qualified Respondents before final selection.

**8.1** The SAC may select one or more respondent.

**8.2** The SAC may use references to clarify information in the submittals and interviews, if conducted, which may affect the rating. The City reserves the right to contact references other than those included in the submittal.

## **9. INTERVIEWS / ORAL PRESENTATIONS**

An invitation to interview may be extended to Respondents based on SAC review of the written submittals. The SAC reserves the right to adjust scoring based on additional information and/or clarifications provided during interviews. The SAC may determine additional scoring criteria for the interviews following evaluation of written submittals.

The City reserves all rights to begin negotiations without conducting interviews.

Respondents must be available to interview within three business days' notice.

If interviews are conducted, the SAC will schedule the interviews with the contact person provided in the SOQs. Additional interview information will be provided at the time of invitation. At this time, it is anticipated that the main objective of the interview will be for the SAC to meet the project manager and key personnel that will have direct involvement with the project and hear about their relevant experience and expertise.

## **10. RESPONSIVENESS**

Respondents agree their submittal is valid until a contract(s) has been executed.

All submittals will be reviewed by the City to determine compliance with the requirements and instructions specified in this RFP. The Respondent is specifically notified that failure to comply

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with any part of this RFP may result in rejection of the submittal as non-responsive. The City reserves the right, in its sole discretion, to waive irregularities deemed immaterial.

The final selection, if any, will be that submittal which, after review of submissions and potential interviews, in the sole judgement of the City, best meets the requirements set forth in this RFP.

## **11. SCORING CONSIDERATIONS**

Respondents are to provide complete and detailed responses to all items in Section 3 above. Submittals that are incomplete or conditioned in any way that contain alternatives or items not called for in this RFP, or not in conformity with law, may be rejected as being non-responsive. The City will not accept any submittal containing a substantial deviation from the requirements outlined in this RFP.

Submittals should present information in a straightforward and concise manner, while ensuring complete and detailed descriptions of the respondent's/team's abilities to meet the requirement of this RFP. Emphasis will be on completeness of content. The written submittals should be prepared in the sequential order as outlined below.

The City reserves the right to request clarification of any aspect of a submittal, or request additional information that might be required to properly evaluate the submittal. A failure to respond to such a request may result in rejection of the submittal. Proposers are required to provide responses to any request clarification within two (2) business days.

Requests for clarification or additional information shall be made at the sole discretion of the City. The City's retention of this right shall in no way diminish a Proposer's responsibility to submit a submittal that is current, clear, complete and accurate.

The relative weight of each scoring criteria is indicated below.

### **11.1 Affordable Housing Scoring (40 points).**

A maximum of forty (40%) percentage points will be allowed for scoring the Affordable Housing requirement. Proposals that exceed the baseline will be scored higher than proposals that just meet the baseline.

### **11.2 How well does the proposed use align with the vision and goals of the Neighborhood (15 points). Considerations:**

11.2.1 Improve the quality of life in the neighborhood.

11.2.2 Improve walkability and streetscapes.

11.2.3 Provide valuable housing, services and/or jobs to residents and businesses.

### **11.3 How well does the proposed use align with the City's goal to be a safe, clean, and attractive community (15 points): Considerations:**

11.3.1 Foster a safe environment for residents.

11.3.2 Reduce crime and blight in the community.

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11.3.3 Improve and/or beautify the facility or site.

11.3.4 Encourage community engagement and participation to improve the neighborhood.

**11.4 How well does the proposed use align with City’s planning and economic development goals (15 points): Considerations:**

11.4.1 Align with the zoning goals and allowed uses of the Property(s)’ zoning.

11.4.2 Support increased housing and/or commercial activity in the neighborhood.

**11.5 How well does the proposed use align with City’s Equity goals (15 points): Considerations:**

11.5.1 Provide anti-racist marketing that attracts members of Tacoma’s Black, Indigenous, and People of Color (“BIPOC”) communities.

11.5.2 Encourage the hiring of Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs) and Small Business Enterprises (SBEs) during the development project.

## **12. ACCEPTANCE / REJECTION OF SUBMITTALS**

Respondents are advised that the City reserves the right to cancel award of this Agreement at any time before execution of the Agreement by both parties if cancellation is deemed to be in the City’s best interest. In submitting a Submittal, Respondents agree that the City is not liable for any costs or damages for the cancellation of an award. The Respondent assumes the sole risk and responsibility for all expenses connected with the preparation of this submittal.

The City reserves the right and holds at its discretion the following rights and options:

- To waive any or all informalities
- To award one or more Agreements
- To not award an Agreement
- To issue subsequent solicitation
- To remove any Property from the RFP.

## **13. ACCEPTANCE OF SUBMITTAL CONTENTS**

The Submittal contents of the successful Respondent will become contractual obligations if an Agreement ensues.

## **14. CONTRACTUAL OBLIGATION**

The selected Respondent(s) will be expected to execute an Agreement with the City. As part of the negotiation process, Respondents may propose amendments to the Agreement, but the City, at its sole option, will decide whether to open discussion on each proposed amendment

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and determine the final Agreement to be used. At a minimum, any Agreement will incorporate the terms and conditions contained herein.

## **15. PARTNERSHIPS**

The City will allow Proposers to partner in order to respond to this RFP. Respondents may team under a Prime Respondent's submittal in order to provide responses to all sections in a single submission; however, each Respondent's participation must be clearly delineated by section. The Prime Respondent will be considered the responding vendor and the responsible party at contract award. All contract negotiations will be conducted only with the Prime Respondent. All contract payments will be made only to the Prime Respondent. Any agreements between the Prime Respondent and other companies will not be a part of the agreement between the City and the Prime Respondent. The City reserves the right to select more than one Prime Respondent.

## **16. COMMITMENT OF KEY PERSONNEL**

The Respondent agrees that key personnel identified in its submittal or during Agreement negotiations as committed to this project will, in fact, be the key personnel to perform during the life of this Agreement. Should key personnel become unavailable for any reason, the selected Respondent shall provide suitable replacement personnel, subject to the approval of the City. Substantial organizational or personnel changes within the agency are expected to be communicated immediately. Failure to do so could result in cancellation of the Agreement.

## **17. AWARD**

After the Respondent(s) is selected by the SAC and prior to award, all other Respondents will be notified via email by the Purchasing Division.

Once a finalist (or finalists) has been selected by the Selection Advisory Committee, negotiations with that finalist will begin, and if an Agreement is successfully negotiated, it will, if required, be submitted for final approval by the Public Utility Board and City Council.

## **18. EQUITY IN CONTRACTING**

The City of Tacoma is committed to encouraging Proposers certified through the Washington State Office of Minority and Women's Business Enterprise to participate in City contracting opportunities.

## **19. CITY OF TACOMA LEAP & EIC PARTICIPATION**

- 19.1** Developer agrees to use its best efforts to comply with the City of Tacoma’s Local Employment and Apprenticeship Training Program (LEAP) and Equity in Contracting (EIC) program by attempting to ensure that all contractors performing work on the project make their best efforts to comply with the program requirements. In an effort to develop relationships with the local community and promote the local work force and subcontracting businesses, Developer will notify each contractor and bidders of the LEAP and EIC requirements and strongly encourage participation in the programs.
- 19.2** LEAP has two separate requirements: Fifteen (15%) percent LEAP participation for projects over \$250/\$750k;
- 19.3** Fifteen (15%) percent apprentice participation for all projects over \$1M;
- 19.4** Projects over \$1M have BOTH of the requirements identified above.
- 19.5** The EIC requirement amounts are variable; however, there will be an evaluation completed for utilization of Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs) and Small Business Enterprises (SBEs) separately.
- 19.6** Developers are expected to ensure that all Contractors meet all three (3) EIC requirements to be responsive (or present good faith effort documentation)
- 19.7** Contractors that agree to comply with the City of Tacoma LEAP and EIC programs must track the local hire and apprentice hours worked, and EIC contracts awarded under Developer’s project. It shall be the responsibility of the contractors that qualify for and are participating in each respective program to supply the City of Tacoma with a monthly “Progress Report” that shows proof of participation in LEAP and EIC. A final participation tracking report shall be prepared by the Developer and provided to the City of Tacoma upon completion of the project.
- 19.8** LEAP and EIC can assist contractors in identifying qualified workers and subcontractors in meeting their business and workforce needs as identified in their respective bid submittals and scopes of work.

**19.9** Program Information:

19.9.1 <http://www.cityoftacoma.org/leap>

19.9.2 <https://www.cityoftacoma.org/cms/one.aspx?portalId=169&pageId=112505>

19.9.3 EIC and LEAP Contact: Shakisha Ross at [shakisha.ross@cityoftacoma](mailto:shakisha.ross@cityoftacoma) or Phone: (253) 591-5075

**20. PROPRIETARY OR CONFIDENTIAL INFORMATION**

The Washington State Public Disclosure Act ([RCW 42.56 et seq.](#)) requires public agencies in Washington make public records available for inspection and copying unless they fall within the

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specified exemptions contained in the Act, or are otherwise privileged. Documents submitted under this RFP shall be considered public records and, with limited exceptions, will be made available for inspection and copying by the public.

Information that is confidential or proprietary must be clearly marked. Further, an index must be provided indicating the affected page number(s) and location(s) of all such identified material. Information not included in said index will not be reviewed for confidentiality or as proprietary before release.

## **21. ADDENDUMS**

In the event it becomes necessary to revise any part of this RFP, an addendum will be issued. Failure to acknowledge addendum(s) on the required Signature Page may result in a submittal being deemed non-responsive by the City.

## APPENDIX A

### Legal Descriptions

**SUBJECT TO the reservation of any required easements, restrictions, or covenants:**

**2101 North Highland – TPN: 7045000390**

That portion of Lots 13 and 14 of Puget Sound Homestead Association plat in the Southwest Quarter of the Northeast Quarter of Section 35, Township 21 North, Range 2 East, W.M., as per plat recorded in Volume 1 of Plats, Page 30, records of the Pierce County Auditor, and described as follows:

Beginning at the southwest corner of said Lot 13; thence north along the west thereof 125.05 feet; thence South  $56^{\circ} 56' 0''$  East 232.65 feet, more or less, along the northerly line of transmission line right of way as described in Judgment of Pierce County Superior Court Cause No. 53042 dated June 23, 1924, to the south line of said Lot 14; thence westerly 195.63 feet, more or less, along said south line of said Lots 13 and 14 to the point of beginning;

Except that portion dedicated for street by City of Tacoma Ordinance No. 14799 dated May 27, 1953;

All situate in the City of Tacoma, County of Pierce, State of Washington.

**Downing Substation – TPN: 7475022110**

The west 100 feet of the south 130 feet in Block 106 of Amended Map of Second School Land Addition to the City of Tacoma, as per map thereof recorded in Book 7 of Plats at page 79, records of the Pierce County Auditor.

Situate in the City of Tacoma, County of Pierce, State of Washington.

**Lincoln Park Substation – TPN: 5275000720**

A portion of Lots 1 to 4, inclusive, Block 17, Lincoln Park Addition to Tacoma, Washington, according to plat recorded in Book 7 of Plats at page 111, described as follows:

Commencing at the SEC of Section 8, Township 20 N, Range 3 E of the W.M.; thence S  $89^{\circ}$

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45' 45" W along the south boundary of said section 1303.0 feet to the SWC of Lincoln Park Addition to Tacoma as now platted; thence N 0° 05' 15" E along the west boundary of said Addition 30.0 feet to the true point of beginning; thence continuing N 0° 05' 15" E along said west boundary a distance of 119.5 feet; thence S 89° 54' 45" E 79.33 feet; thence S 0° 50' 22" W 104.33 feet; thence on a curve to the right having a radius of 15 feet through an angle of 88° 55' 23"; thence S 89° 45' 45" W 63.04 feet to the point of beginning.

Situate in the City of Tacoma, County of Pierce, State of Washington.

**Warner Substation – TPN: 2890002480**

Lots 1 and 2, Block 41, Cascade Park Addition to Tacoma, W.T., except the east 3 feet thereof.

Situate in the City of Tacoma, County of Pierce, State of Washington.

**South 40th & 'A' Street – TPN: 7470021810**

That portion of Block 73, Amended Map of the First School Land Addition to the City of Tacoma, according to the plat filed for record July 22, 1903 in Volume 7 of Plats, Pages 77 and 77A, in the records of the Pierce County Auditor, described as follows:

BEGINNING 100 feet North and 150 feet East of the Southwest corner of said Block 73; thence East 76.725 feet; thence North 120 feet; thence East 110 feet; thence North 161 feet; thence East 40 feet; thence North 50 feet; thence west 176.725 feet; thence South 131.5 feet; thence West 50 feet; thence South 200 feet, more or less, to the POINT OF BEGINNING;

Situate in the City of Tacoma, County of Pierce, State of Washington.

**South 45th & Union Avenue – TPN: 2890000730, 0220134012, 2890002850**

Parcel A: Tax Parcel No. 2890000730:

Lots 11 and 12, Block 18, Cascade Park Addition to Tacoma, W.T., according to the plat thereof recorded in Book 1 of Plats, Page 120, records of Pierce County, Washington;

Parcel B: Tax Parcel No. 0220134012:

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That portion of the Southeast Quarter of the Southeast Quarter of Section 13, Township 20 North, Range 2 East, W.M., Pierce County, Washington, described as follows:  
BEGINNING at the Northeast corner of said Southeast Quarter of the Southeast Quarter of Section 13; thence west along the northerly boundary of said Southeast Quarter of the Southeast Quarter 74 feet, more or less, to the east boundary line of the water flume right-of-way; thence southeasterly along the easterly boundary line of said rightof-way 657 feet, more or less, to the east line of said Southeast Quarter of the Southeast Quarter; thence north 652.42 feet, more or less, to the POINT OF BEGINNING;  
Parcel C: Tax Parcel No. 2890002850:  
Lots 2 through 6, inclusive, Block 45, Cascade Park Addition to Tacoma, W.T., according to the plat thereof recorded in Book 1 of Plats, Page 120, records of Pierce County, Washington;  
Situate in the City of Tacoma, County of Pierce, State of Washington.

**APPENDIX B**  
**General Depictions**



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**APPENDIX C**  
**Surplus Policy and Resolution**



## RESOLUTION NO. U-11144

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A RESOLUTION related to the adoption of a Surplus Real Property Disposition Policy.

WHEREAS the City of Tacoma, Department of Public Works, Real Property Services Division, in collaboration with the Department of Public Utilities, has drafted a Tacoma Public Utilities – Surplus Real Property Disposition Policy to: a) provide direction for the disposition of Tacoma Public Utilities real property; b) better align with Council approved Policy for the Sale/Disposition of City-owned General Government Real Property; and c) enact affordable housing transfer rules consistent with RCW 39.33.015, and

WHEREAS on September 12, 1990, the City of Tacoma’s Public Utility Board (“TPU Board”) adopted Resolution U-8459, to approve various policies, including Policy 2.2, which directed the department to continue to manage surplus property in a manner that is determined to be in the department’s best interest, and

WHEREAS on November 6, 1991, the TPU Board adopted Resolution U-8640 revising Policy No. 2.2 to create additional guidelines regarding disposal of property, including compliance with City Code, Charter and State law, assuring equal opportunity and establishing limited disposition procedures, and

WHEREAS on June 7, 2018, Washington House Bill 2382, went into effect authorizing public agencies to transfer real property for reduced cost for affordable housing, the Bill was codified as RCW 39.33.015, and was contingent upon the governing body or legislative authority of a municipality or political subdivision enacting rules to regulate the disposition, and



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WHEREAS on September 17, 2019, the City Council adopted a revised Disposition Policy for General Government Real Property, which places a high priority on dispositions which increase affordable housing, and adopts a policy concerning how General Government will coordinate with the Puyallup Tribe of Indians concerning general government surplus property, and

WHEREAS on October 9, 2019, Real Property Services presented a draft of the proposed policy for TPU surplus property to the Public Utility Board, and

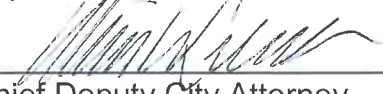
WHEREAS Real Property Services now recommends the adoption of the herein enclosed Tacoma Public Utilities - Surplus Real Property Disposition Policy, and

WHEREAS it is in the best interests of Tacoma Public Utilities and the ratepayers to adopt the proposed policy; Now, therefore,

BE IT RESOLVED BY THE PUBLIC UTILITY BOARD OF THE CITY OF TACOMA:

That the Tacoma Public Utilities – Surplus Real Property Disposition Policy, in the form as on file with the Clerk, is adopted and approved.

Approved as to form:

  
\_\_\_\_\_  
Chief Deputy City Attorney

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk

Adopted \_\_\_\_\_

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**Policy: Tacoma Public Utilities – Surplus Real Property Disposition Policy**

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**1. Purpose**

Provide direction to the City of Tacoma, Department of Public Utilities (“TPU”) and the TPU Real Property Services section (“Real Property Services”) for the disposition of TPU surplus real property.

**2. Background**

TPU owns a variety of properties to meet its utility-related needs. TPU should retain such properties and dispose of properties that do not meet these needs. Unless otherwise authorized in accordance with applicable laws, TPU must receive at least fair market value for the property.

TPU considerations for surplus real property dispositions include:

- Fair Market Value Requirement (except for Affordable Housing)
- City of Tacoma Affordable Housing and Equity Goals
- Tribal and Other Jurisdictional Interests
- TPU Board Strategic Directives

TPU properties are located both within the City of Tacoma (City) incorporated limits and within other towns, cities and counties in which TPU conducts business. TPU recognizes each jurisdiction has unique policies and values relating to the use of property within its boundaries.

TPU encourages continued public use of TPU surplus property, and will provide preference to a public agency when multiple buyers propose offers comparable in value and terms.

**3. Pre-Disposition**

TPU adopts the following guidelines for surplus real property dispositions. Each Division of TPU is responsible for developing procedures to ensure TPU retains properties that meet its utility-related needs.

Upon Declaration of Surplus by the Director of Utilities, the following steps shall be followed:

A. Prior to disposing of surplus real property, TPU shall provide notice to all City departments of TPU’s intent to dispose, and shall afford the departments the opportunity to acquire, for at least fair market value, the property via a TPU Board and City Council-approved transfer in accordance with all applicable laws. If no interest is expressed by any City Department, the process shall proceed as outlined in Step B below and then Section 4 below.

B. Following Step A above, TPU shall provide notice to the following parties:

- a) The governing land use authority (except City) in which the property is located (“Governing Authority”); and
- b) Federally-recognized tribes (“Tribes”) located within areas TPU provides utility services and/or owns real property.

Further, TPU shall afford the Governing Authority and Tribes (each hereinafter referred to as “Offeree”) the opportunity to submit a bona fide written offer (the “Offer”) to acquire the property in accordance with all applicable laws.

Any Offeree will be required to pay fair market value, unless the property is acquired for public benefit as defined by RCW 39.33.015 (hereinafter referred to as “Affordable Housing”), and the Offeree has previously enacted rules pursuant to RCW 39.33.015.

If any Offeree declines the opportunity, or fails to submit an Offer within eight (8) calendar weeks after the date of the notice, said opportunity will automatically be deemed waived by such Offeree.

If multiple Offers are submitted, Offerees may be asked to submit final-and-best offers.

TPU, in its sole discretion, reserves the right to select the Offer and Offeree with whom to negotiate a purchase and sale agreement. If TPU and the selected Offeree are unable to consummate a mutually agreeable purchase and sale agreement, the process shall proceed as outlined in Section 4 below.

#### 4. Disposition

If a transfer or sale is not agreed to pursuant to Section 3.A. or 3.B., subsequent to completion of the steps outlined in Section 3 above, surplus real property will be classified into three categories, as follows:

**Category 1** properties are within City limits and within a land use zone that permits use suitable for Affordable Housing pursuant to RCW 39.33.015.

**Category 1 Disposition:** TPU staff will work with the City’s Community and Economic Development Department to develop a fair and equitable approach to conveying surplus real property for Affordable Housing. The Request for Proposals approach, as outlined in the City of Tacoma Purchasing Manual, will be the required method of disposition, and the execution of a Development Agreement will be a requirement prior to conveyance. The baseline requirement of any conveyance is a minimum of twenty-five percent (25%) of proposed units at or below fifty percent (50%) Area Median Income (AMI). Scoring will be weighted in favor of proposals that include at least fifty percent (50%) Affordable Housing units at or below thirty percent (30%) AMI. If no responsive proposals are received, the process shall proceed as outlined in Category 2 Disposition below.

**Category 2** properties are developable parcels that have economic value or functional utility and are likely to appeal to a wide market, but do not meet the Category 1 criteria. The anticipation is that most surplus TPU properties will fall within this category.

**Category 2 Disposition:** Category 2 properties should have site-specific marketing strategies to prioritize maximizing ratepayer return and consistency with TPU Board strategic directives. Said

marketing strategies will be determined on a case-by-case basis, with recommendation by Real Property Services and approval by the Director of Utilities or designee.

**Category 3** properties are remnant parcels that have little or no economic value, functional utility or marketability.

**Category 3 Disposition:** Category 3 properties should be disposed by direct negotiation or via bid-sale process. If no responsive bids are received, the process shall proceed as outlined in Category 2 Disposition above.

## 5. Minimum Affordable Housing Requirements

Consistent with RCW 39.33.015, TPU requires, at a minimum, the following terms in the conveyance documents for any properties conveyed for Affordable Housing:

- A. The conveyance documents must contain a covenant or other requirement that the property shall be used for Affordable Housing for a pre-determined period of time; and
- B. The conveyance documents must contain remedies that apply if the recipient of the property fails to use it for Affordable Housing or ceases to use it for such purpose.

Notwithstanding the forgoing, nothing herein shall preclude TPU from including additional terms in the conveyance documents for any properties conveyed for Affordable Housing.

## 6. Alternative Disposition Process

Situations may arise where it is in the best interest of TPU to market or otherwise dispose of a surplus real property through processes not outlined above. In these situations, the process must be approved by the Director of Utilities and TPU Board prior to implementation and it must comply with all applicable laws.

<b>Reference:</b>	PUB Res. U-8640, TMC 1.06.280, Charter Sec 9.1, RCW 35.94.040 & RCW 39.33.015
<b>Contact Info:</b>	Tacoma Public Utilities – Real Property Services – (253) 396-3060
<b>Supersede and Replace:</b>	This policy cancels and supersedes all Tacoma Public Utilities and Division policies and operating procedures established prior to the Effective Date related to the Disposition of Surplus Real Property.
<b>Approval:</b>	Jackie Flowers, Director of Utilities
<b>Effective Date:</b>	March 15, 2020 – This policy is not required to be applicable to any dispositions arising from negotiations initiated prior to the Effective Date. For such dispositions, policy applicability shall be at the discretion of the Director of Utilities or designee.